

1 AN ACT
2 RELATING TO ELECTIONS; PROVIDING FOR ELECTRONIC REPORTING AND
3 RETRIEVAL OF INFORMATION; AMENDING THE CAMPAIGN REPORTING
4 ACT.

5
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 Section 1. Section 1-19-26 NMSA 1978 (being Laws 1979,
8 Chapter 360, Section 2, as amended) is amended to read:

9 "1-19-26. DEFINITIONS. --As used in the Campaign
10 Reporting Act:

11 A. "advertising campaign" means an advertisement
12 or series of advertisements used for a political purpose and
13 disseminated to the public either in print, by radio or
14 television broadcast or by any other electronic means,
15 including telephonic communications, and may include direct
16 or bulk mailings of printed materials;

17 B. "anonymous contribution" means a contribution
18 the contributor of which is unknown to the candidate or his
19 agent or the political committee or its agent who accepts the
20 contribution;

21 C. "bank account" means an account in a financial
22 institution located in New Mexico;

23 D. "campaign committee" means two or more persons
24 authorized by a candidate to raise, collect or expend
25 contributions on the candidate's behalf for the purpose of

1 electing him to office;

2 E. "candidate" means an individual who seeks or
3 considers an office in an election covered by the Campaign
4 Reporting Act, including a public official, who either has
5 filed a declaration of candidacy or nominating petition or:

6 (1) for a non-statewide office, has received
7 contributions or made expenditures of one thousand dollars
8 (\$1,000) or more or authorized another person or campaign
9 committee to receive contributions or make expenditures of
10 one thousand dollars (\$1,000) or more for the purpose of
11 seeking election to the office; or

12 (2) for a statewide office, has received
13 contributions or made expenditures of two thousand five
14 hundred dollars (\$2,500) or more or authorized another person
15 or campaign committee to receive contributions or make
16 expenditures of two thousand five hundred dollars (\$2,500) or
17 more for the purpose of seeking election to the office or for
18 candidacy exploration purposes in the years prior to the year
19 of the election;

20 F. "contribution" means a gift, subscription,
21 loan, advance or deposit of money or other thing of value,
22 including the estimated value of an in-kind contribution,
23 that is made or received for a political purpose, including
24 payment of a debt incurred in an election campaign, but does
25 not include the value of services provided without

1 compensation or unreimbursed travel or other personal
2 expenses of individuals who volunteer a portion or all of
3 their time on behalf of a candidate or political committee,
4 nor does it include the administrative or solicitation
5 expenses of a political committee that are paid by an
6 organization that sponsors the committee;

7 G. "deliver" or "delivery" means to deliver by
8 certified or registered mail, telecopier, electronic
9 transmission or facsimile or by personal service;

10 H. "election" means any primary, general or
11 statewide special election in New Mexico and includes county
12 and judicial retention elections but excludes municipal,
13 school board and special district elections;

14 I. "election year" means an even-numbered year in
15 which an election covered by the Campaign Reporting Act is
16 held;

17 J. "expenditure" means a payment, transfer or
18 distribution or obligation or promise to pay, transfer or
19 distribute any money or other thing of value for a political
20 purpose, including payment of a debt incurred in an election
21 campaign or pre-primary convention, but does not include the
22 administrative or solicitation expenses of a political
23 committee that are paid by an organization that sponsors the
24 committee;

25 K. "person" means an individual or entity;

1 L. "political committee" means two or more
2 persons, other than members of a candidate's immediate family
3 or campaign committee or a husband and wife who make a
4 contribution out of a joint account, who are selected,
5 appointed, chosen, associated, organized or operated
6 primarily for a political purpose; and political committee
7 includes:

8 (1) political action committees or similar
9 organizations composed of employees or members of any
10 corporation, labor organization, trade or professional
11 association or any other similar group that raises, collects,
12 expends or contributes money or any other thing of value for
13 a political purpose;

14 (2) a single individual who by his actions
15 represents that he is a political committee; and

16 (3) a person or an organization of two or
17 more persons that within one calendar year expends funds in
18 excess of five hundred dollars (\$500) to conduct an
19 advertising campaign for a political purpose;

20 M. "political purpose" means influencing or
21 attempting to influence an election or pre-primary
22 convention, including a constitutional amendment or other
23 question submitted to the voters;

24 N. "prescribed form" means a form or electronic
25 format prepared and prescribed by the secretary of state;

1 O. "proper filing officer" means either the
2 secretary of state or the county clerk as provided in
3 Section 1-19-27 NMSA 1978;

4 P. "public official" means a person elected to an
5 office in an election covered by the Campaign Reporting Act
6 or a person appointed to an office that is subject to an
7 election covered by that act;

8 Q. "reporting individual" means every public
9 official, candidate or treasurer of a campaign committee and
10 every treasurer of a political committee; and

11 R. "statement of exception" or "statement" means
12 the prescribed form subscribed and sworn to by a candidate to
13 indicate that the candidate does not intend to raise or
14 expend the minimum amount required for the filing of a report
15 of expenditures and contributions as provided in Section
16 1-19-33 NMSA 1978. "

17 Section 2. Section 1-19-27 NMSA 1978 (being Laws 1979,
18 Chapter 360, Section 3, as amended) is amended to read:

19 "1-19-27. REPORTS REQUIRED-- PROPER FILING OFFICER. --

20 A. Except for those candidates who file a
21 statement of exception in an election year pursuant to
22 Section 1-19-33 NMSA 1978, all reporting individuals shall
23 annually file with the proper filing officer a report of
24 expenditures and contributions on a prescribed form. The
25 report shall be filed on the second Monday in May pursuant to

1 the provisions of Subsection A of Section 1-19-29 NMSA 1978.

2 B. The proper filing officer for filing reports of
3 expenditures and contributions by a political committee is
4 the secretary of state.

5 C. The proper filing officer for filing reports of
6 expenditures and contributions or statements of exception is
7 the secretary of state for all public officials.

8 D. The secretary of state shall develop or
9 contract for services to develop an electronic reporting
10 system for receiving and for public inspection of reports of
11 expenditures and contributions and statements of exception to
12 the Campaign Reporting Act. The electronic reporting system
13 shall:

14 (1) enable a person to file reports on-line
15 by filling out forms on the secretary of state's web site;
16 and

17 (2) provide for encrypted transmissions."

18 Section 3. Section 1-19-29 NMSA 1978 (being Laws 1993,
19 Chapter 46, Section 5, as amended by Laws 1997, Chapter 12,
20 Section 1 and also by Laws 1997, Chapter 112, Section 3) is
21 amended to read:

22 "1-19-29. TIME AND PLACE OF FILING REPORTS. --

23 A. Annually, all reporting individuals shall file
24 with the proper filing officer by 5:00 p.m. on the second
25 Monday in May a report of all expenditures made and

1 contributions received on or before the first Monday in May
2 and not previously reported. The report shall be filed
3 annually until the reporting individual's bank account has
4 been closed and the other provisions specified in Subsection
5 E of this section have been satisfied.

6 B. In an election year, in addition to the May
7 report provided for in Subsection A of this section, all
8 reporting individuals, except for persons who file a
9 statement of exception pursuant to Section 1-19-33 NMSA 1978
10 and except for public officials who are not candidates in an
11 election that year, shall file reports of all expenditures
12 made and contributions received according to the following
13 schedule:

14 (1) by 5:00 p.m. on the second Monday in
15 October, a report of all expenditures made and contributions
16 received on or before the first Monday in October and not
17 previously reported;

18 (2) by 5:00 p.m. on the Thursday before a
19 primary, general or statewide special election, a report of
20 all expenditures made and contributions received by 5:00 p.m.
21 on the Tuesday before the election. Any contribution or
22 pledge to contribute that is received after 5:00 p.m. on the
23 Tuesday before the election and that is for five hundred
24 dollars (\$500) or more in a legislative or non-statewide
25 judicial election, or two thousand five hundred dollars

1 (\$2,500) or more in a statewide election shall be reported to
2 the proper filing officer either in a supplemental report on
3 a prescribed form within twenty-four hours of receipt or in
4 the report to be filed by 5:00 p.m. on the Thursday before a
5 primary, general or statewide special election, except that
6 any such contribution or pledge to contribute that is
7 received after 5:00 p.m. on the Friday before the election
8 may be reported by 12:00 noon on the Monday before the
9 election; and

10 (3) by 5:00 p.m. on the thirtieth day after
11 a primary, general or statewide special election, a report of
12 all expenditures made and contributions received on or before
13 the twenty-fifth day after the election and not previously
14 reported.

15 C. Notwithstanding the other provisions of this
16 section, the report due on the thirtieth day after an
17 election need be the only report filed after the annual May
18 report if the candidate is not opposed in the election and if
19 the report includes all expenditures made and contributions
20 received for that election and not previously reported.

21 D. A report of expenditures and contributions
22 filed after a deadline set forth in this section shall not be
23 deemed to have been timely filed.

24 E. Each reporting individual shall file a report
25 of expenditures and contributions annually pursuant to the

1 filing schedule set forth in this section, regardless of
2 whether any expenditures were made or contributions were
3 received during the reporting period. Reports shall be
4 required until the reporting individual delivers a report to
5 the proper filing officer stating that:

6 (1) there are no outstanding campaign debts;

7 (2) all money has been expended in
8 accordance with the provisions of Section 1-19-29.1 NMSA
9 1978; and

10 (3) the bank account has been closed.

11 F. Each treasurer of a political committee shall
12 file a report of expenditures and contributions annually
13 pursuant to the filing schedule set forth in this section
14 until the treasurer files a report that affirms that the
15 committee has dissolved or no longer exists and that its bank
16 account has been closed.

17 G. A reporting individual who is a candidate
18 within the meaning of the Campaign Reporting Act because of
19 the amount of contributions he receives or expenditures he
20 makes and who does not ultimately file a declaration of
21 candidacy or a nominating petition with the proper filing
22 officer shall nevertheless file a report, not later than the
23 second Monday in May for a primary election or the second
24 Monday in October for a general election, of all
25 contributions received and expenditures made on or before the

1 first Monday in May for a primary election or the first
2 Monday in October for a general election, and not previously
3 reported.

4 H. Reports required by this section shall be filed
5 electronically by all reporting individuals.

6 I. Reporting individuals may apply to the
7 secretary of state for exemption from electronic filing in
8 case of hardship, which shall be defined by the secretary of
9 state. "

10 Section 4. Section 1-19-32 NMSA 1978 (being Laws 1979,
11 Chapter 360, Section 8, as amended) is amended to read:

12 "1-19-32. INSPECTION OF PUBLIC RECORDS. --

13 A. Each of the following documents is a public
14 record open to public inspection during regular office hours
15 in the office in which the document was filed or from which
16 the document was issued:

17 (1) a statement of exception;

18 (2) a report of expenditures and
19 contributions;

20 (3) an advisory opinion issued by the
21 secretary of state;

22 (4) a document specified as a public record
23 in the Campaign Reporting Act; and

24 (5) an arbitration decision issued by an
25 arbitration panel and filed with the secretary of state.

1 B. Each public record described in Subsection A of
2 this section shall be retained by the state for five years
3 and may be destroyed five years after the date of filing
4 unless a legal action or prosecution is pending that requires
5 the preservation of the public record.

6 C. The secretary of state shall provide for
7 electronic access to reports of expenditures and
8 contributions and statements of exception submitted
9 electronically by reporting individuals. Electronic access
10 shall include access via the internet and shall be in an
11 easily searchable format."

12 Section 5. EFFECTIVE DATE. --The effective date of the
13 provisions of Sections 2 and 3 of this act is January 1,
14 2006.
